

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

HELDER PEIXOTO

Plaintiff,

v.

**TRANS UNION LLC, and
HARRY GAMBILL**

Defendants.

C.A. No: 1:04-cv-10437-JLT

TRANS UNION’S MOTION TO DISMISS FOR FAILURE TO PROSECUTE

Pursuant to Fed. R. Civ. P. 41(b) joins in and adopts by reference the Motions and Memoranda of Law of Experian and Equifax to Dismiss Plaintiff’s Claim for Failure to Prosecute his claim. Trans Union, by and through its attorneys, respectfully moves that this Court dismiss Plaintiff’s complaint filed against it for failure to respond to Trans Union’s discovery, failure to make initial disclosures, failure to appear at a hearing or to cooperate with discovery or abide by the federal rules in any fashion. The points and authorities in support of its motion to dismiss are more fully set forth in the Memoranda of Law filed by Equifax and Experian.

Respectfully Submitted,

/s/ Mardic Marashian

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Dated: October 4, 2005